



Department of Planning and Economic Development
 1000 Rochester Hills Dr.
 Rochester Hills, MI 48309
 (248) 656-4660

Zoning Board of Appeals (ZBA) Application

Request Information

Request Type (as defined in Article 2 Chapter 4 Variances and Appeals of the City's Zoning Ordinance)		
Variance:	<input type="checkbox"/> Appeal	Conditional or Temporary Use Permit:
<input checked="" type="checkbox"/> Dimensional (Non-Use)	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Temporary Building or Use
<input type="checkbox"/> Use		<input type="checkbox"/> Excavation or Landfill Permit
		<input type="checkbox"/> Other (please describe):

Property Information

Street Address	3049Avalon, Rochester Hills, MI 48309-3954	
Parcel Identification Number	70-15-31-102-011	Platted Lot (if applicable) Subdivision: Plat of Dodge Auburn Park No 102 Lot No.: 79
Current Use(s)	Residential House	Zoning District

Appeal (if applicable)

Regulations (as defined in Section 138-2.404 of the City's Zoning Ordinance) An appeal may be taken to the ZBA by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building Department concerning the enforcement of the zoning ordinance.
Requested Appeal(s)
Reason for Appeal

Interpretation (if applicable)

Regulations (as defined in Section 138-2.405 & Section 138-2.406 of the City's Zoning Ordinance) The ZBA has the power to interpret the ordinance text and map whenever a question arises in the administration of the zoning ordinance as to the meaning and intent of the zoning ordinance.
Requested Article #(s), Section #(s), & Paragraph #(s) for Interpretation
Reason for Interpretation

Conditional or Temporary Use Permit (if applicable)

Regulations (as defined in Section 138-1-302 of the City's Zoning Ordinance) The ZBA may issue a Temporary or Special Use Permit only when the use is to be in excess of 60 days
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Dimensional (Non-Use) Variance (if applicable)

Ordinance Section(s): Indicate specific section(s) of the zoning ordinance that the variance(s) are being requested from and the specific variance(s) being requested (i.e., amount of encroachment into a required setback, amount of lot coverage exceeding the maximum amount permitted)

Current Set Back rules call for 25 feet. Existing porch is already encroached onto the set back by 4 feet.
Requested for a covered (but not enclosed) front porch that will encroach 3 feet and 6 inches.

Review Criteria: (as defined in Section 138-2.407 of the City's [Zoning Ordinance](#))

A non-use variance is a variance granted to provide relief from a specific standard in the ordinance, which usually relates to an area, dimensional or construction requirement or limitation. To obtain a non-use variance, an applicant must present proof that a practical difficulty exists, and the practical difficulty must relate to a unique circumstance of the property, as distinguished from a personal circumstance or situation of the applicant.

Please provide a thorough response to each of the following criteria.

Practical Difficulty. Describe how compliance with the strict letter of the regulations governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent use of the affected property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

Strict compliance with the front setback requirement would create a practical difficulty by preventing the construction of a modest, code-compliant front porch that provides safe and functional access to the home. Without the requested 3-foot variance, there is insufficient room to add a covered porch of reasonable depth for weather protection, accessibility, and aesthetic consistency with neighboring homes. The requested relief is the minimum necessary to allow reasonable improvement and continued residential use of the property while maintaining the character of the neighborhood. It will replace the current uncovered porch and extend it to the driveway. Neighboring homes with similar porches are closer to the street than the proposed addition. The small encroachment will not affect sight lines, drainage, or adjacent properties. The porch design is open and unobtrusive, ensuring compliance with the spirit of the ordinance. The hardship arises from the house's pre-existing location, not from any action of the owner.

Substantial Justice. Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the same Zoning District. Granting this variance will do substantial justice to both the applicant and other property owners in the zoning district. The proposed front porch is a typical and desirable residential feature consistent with homes throughout the neighborhood. Allowing a modest 3.5-foot encroachment ensures the property can be reasonably enjoyed in the same manner as surrounding homes, many of which have similar porches within comparable or greater setbacks. Denying the variance would impose an unnecessary hardship caused by the home's pre-existing location, rather than by any action of the owner. Approval will preserve neighborhood harmony, maintain property values, and provide equitable treatment consistent with the intent of the zoning ordinance. Several neighboring homes have enclosed front porches closer to the street. 8 of the 16 homes on the street are closer to the right-of-way than this variance request is. The design, materials, and roofline will match the existing house. The requested variance is modest and proportionate, ensuring fairness without setting an adverse precedent. The improvement aligns with current design trends and enhances the residential character valued in this district.

Lesser Variance. Describe how granting a lesser variance would not give substantial relief to the applicant and/or be more consistent with justice to other property owners in the same Zoning District. The requested variance represents the minimum relief necessary to make reasonable use of the property. A lesser variance would not provide sufficient depth for a functional, code-compliant front porch that offers safe and comfortable access to the home. The design has been minimized to reduce encroachment while maintaining proportionality with the existing structure and surrounding homes. Granting less than the requested 3-foot variance would not achieve the intended purpose and would continue to deny the property the same reasonable residential use and appearance enjoyed by others in the district. Therefore, the proposed variance strikes a fair balance between the applicant's needs and the interests of neighboring property owners. Reducing the variance further would result in a porch too narrow to meet entry or accessibility standards. The proposed porch remains fully open and unobtrusive, ensuring consistency with the ordinance's spirit and neighboring homes.

Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property, that do not apply generally to other properties or uses in the same Zoning District. Neighboring homes have porches or entry features that extend closer to the street, but due to the original house placement, this property lacks that ability without minor relief. The lot's shallow depth of the front yard limit placement options. These conditions are not self-created and are unique to the property's layout and history. Because of this pre-existing condition of the placement of the house on the lot, it is not possible to construct a modest, code-compliant front porch without encroaching three feet into the front setback.

Not Self-Created. Describe how the alleged hardship has not been created by the actions of the applicant or any person having a current interest in the property.

The hardship has not been created by the actions of the applicant or any person with an interest in the property. The home was constructed in 1940. Because the house is already positioned close to the front lot line, there is no practical way to construct a modest, code-compliant porch without a small encroachment. The need for this variance therefore results from pre-existing site conditions and current ordinance requirements, not from any action or alteration by the current property owner. This request simply seeks to adapt the existing structure to modern residential needs while maintaining compliance with all other zoning and safety standards.

Public Safety and Welfare. Describe how the request would not be materially detrimental to the public welfare or materially injurious to this property or other properties or premises in the same Zoning District in which the property is located.

The requested variance will not be materially detrimental to the public welfare or injurious to nearby properties. The proposed porch is a modest, residential improvement that will not affect visibility, traffic flow, drainage, or emergency access. It will comply with all building and safety codes and will not encroach into the public right-of-way. The porch enhances safety by providing a secure, weather-protected entry and will be constructed with materials and aesthetics consistent with surrounding homes. The improvement will maintain the neighborhood's character and will not diminish property values or the enjoyment of nearby properties.

The porch is open (not enclosed), preserving sight lines and openness. The addition will improve the home's appearance and functionality while maintaining adequate front-yard green space. Neighboring homes feature similar porches that have had no adverse effects on safety or neighborhood conditions.



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ZBA
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Use Variance (if applicable)

Ordinance Section(s): Indicate specific section(s) of the zoning ordinance that the variance(s) are being requested from

Review Criteria: (as defined in Section 138-2.408 of the City's [Zoning Ordinance](#))

A use variance is a variance that allows a property to be used in a way for which the ordinance does not otherwise permit in the Zoning District where the property is located.

To obtain a use variance, an applicant must present proof that an unnecessary hardship exists, and the unnecessary hardship must relate to a unique circumstance of the property, which prevents the applicant from reasonably using the property for a permitted purpose.

A use variance may not be applied for without first attempting to rezone the property. Has a rezoning been applied for and officially denied by the City?

- Yes - Please provide a thorough response to each of the following criteria.
- No - If no, please contact the Planning and Economic Development Department to discuss next steps.

Reasonable Use. Describe how the affected property cannot be reasonably used or cannot yield a reasonable return on a prudent investment if only used for a purpose allowed in the Zoning District.

Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property and not to general neighborhood conditions.

Essential Character. Describe how the use to be authorized by the variance will not alter the essential character of the area and locality.

Not Self-Created. Describe how the alleged hardship has not been created by the actions of the applicant or any person having a current interest in the property.

Public Safety and Welfare. Describe how the request would not be materially detrimental to the public welfare or materially injurious to this property or other properties or premises in the zone or district in which the property is located.



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ZBA
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Applicant Information

Name Christopher Wagner		
Address 3049 Avalon Rd		
City Rochester Hills	State M.I.	Zip 48304
Phone 248875 2602	Email Wagner45242@gmail.com	
Applicant's Legal Interest in Property		

Property Owner Information Check here if same as above

Name		
Address		
City	State	Zip
Phone	Email	

Applicant's/Property Owner's Signature

I (we) do certify that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

I (we) authorize the employees and representatives of the City of Rochester Hills to enter and conduct an investigation of the above referenced property.

Applicant's Signature <i>Christopher Wagner</i>	Applicant's Printed Name Christopher Wagner	Date 1-7-2025
Property Owner's Signature <i>Christopher Wagner</i>	Property Owner's Printed Name Christopher Wagner	Date 1-7-2025

OFFICE USE ONLY

Date Filed	File #	Escrow #
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1. Completed Applications. Completed applications include the following.
 - a. Letter of denial from the Building Department (*if applicable*)
 - b. Plot plan or site plan of the subject property drawn to scale depicting (*if applicable*):
 - 1) Shape and dimensions of the property
 - 2) All existing and proposed structures to be erected, altered or use changed
 - 3) Building-to-building and building-to-property line relationships
 - 4) Location of any trees in the affected area measuring at least 6" in diameter
 - c. Elevations and floor plans drawn to scale, depicting the proposed structure or addition in relation to existing structure(s) on the property, as applicable
 - d. Proof of ownership. If the applicant is not the owner of the land in Fee Simple Title, a document (land contract, purchase agreement, option to purchase, etc.) must be provided that indicates the applicant's interest in the property
 - e. Notarized letter from property owner indicating no objection to request
 - f. Any other information which the applicant feels will aid the City in its review or that the City determines is necessary to complete its review

2. Application Process. You may submit all required documents online. [Click here](#) to apply for a Planning, Zoning or Engineering Process online.

3. Review Process. Prior to submitting an application to the ZBA, an application for a building permit from the Building Department must be submitted. If the proposed construction does not meet the requirements of the zoning ordinance, then the letter of denial will indicate the sections of the ordinance which are not in compliance.

City staff and consultants will review the ZBA application and supporting materials. If it is determined that one or more applicable item(s) are not included or need to be modified, the applicant will be contacted. Incomplete applications will not be placed on a ZBA agenda until all necessary information is submitted and reviewed.

The applicant will be notified of the date and time that the public hearing will be held by the ZBA. A representative for the project must be present at the public hearing. ZBA meetings are generally held the second Wednesday of each month at 7:00 P.M. After the public hearing, if the application is acted upon.

The ZBA application is noticed for public hearing in accordance with Act 110 of the Public Acts of 2006, as amended. Notification is provided to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to the occupants of structures within 300 feet of the subject property. The notice is also published in the local paper (Oakland Press) not less than 15 days prior to the public hearing.

4. Fees. Established fees as follows must be provided before the application can be processed. Fees can be paid online once your application has been accepted (a link to pay will be sent to you). Checks should be made payable to the City of Rochester Hills.

Single Family Residence Requests	\$500
All other Variance, Interpretation, Appeals, Decisions or Approval Requests	\$1,000

5. Questions or Clarifications. Please contact the Department of Planning and Economic Development at the contact information above for questions or clarifications.